IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20953 of 1998

Between:

Madiminti Mabu S/o Dasthagiri
R/o Yerraguntla, Cuddapah Dist.

..... PETITIONER

AND

1 The Gram Panchayat, rep. by Executive Officer
Yerraguntla, Cuddapah District
2 The District Collector (Panchayat)
Cuddapah, Cuddapah District
3 The Mandal Revenue Officer
Yerraguntla, Cuddapah District

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, or any other appropriate Writ, declaring the action of the respondents in trying to dispossess the petitioner from the Thatched House bearing D.No.2/156(D) situated in S.No.606-B at Yerraguntla Village and Mandal, Cuddapah District as illegal, arbitrary and without jurisdiction and consequently direct the respondents to drop all further proceedings in this regard and to pass

Counsel for the Petitioner:MR.N.SIVA REDDY

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents in trying to dispossess him from the thatched house bearing Door No.2/156(D) in survey No. 606-B, Yerraguntla village and Mandal, Kadapa district.

As per the averments made in the writ affidavit, the petitioner's father has constructed a thatched shed in an extent of 0.05 cents in a vacant Government site and living therein. That the petitioner has made several representations for grant of patta and in turn, the third respondent has granted patta over the said land in favour of petitioner by order dated 25-11-1995. The grievance of the petitioner is that the respondents are trying to dispossess him from the subject land without issuing any notice and without following due process contemplated under law. Hence, the writ petition.

A counter affidavit was filed on behalf of the respondents denying the averments made in the writ petition. It is specifically stated that no notice was issued to the petitioner to vacate the premises and on an apprehension the petitioner has approached the Court of law. The relevant portion reads as under;

> "…..it is humbly submitted that, no notice was issued to the petitioner either under section 7 of encroachment Act or under Section 133 of Cr.P.C. directing him to vacate the premises. He filed suit only on the basis of apprehensions and nothing else."

In view of the specific averment made by the respondents that no notice was issued to the petitioner to vacate the premises and the petitioner has approached this Court under an apprehension, no further orders are required to be passed. Accordingly, the writ petition is dismissed. However, in the event of respondents trying to evict the petitioner from subject land without following the procedure, the petitioner would be at liberty to avail such remedies available to him under law. No costs.

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N.V.RAMANA,J

18-3-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Executive Officer, Gram Panchayat,
Yerraguntla, Cuddapah District
2 The District Collector (Panchayat)
Cuddapah, Cuddapah District
3 The Mandal Revenue Officer
Yerraguntla, Cuddapah District

4) 2 CD copies

5) 1 CC to MR.SIVA REDDY

*Form-NIC-OGS/WP{**VEENA**}*